

REMARKS

This Response is being filed in reply to the non-final Office Action dated September 20, 2010, issued in connection with the above-identified application. Claims 7-15, 17, 18, 23, 39 and 45-47 are pending in the present application. With this Response, no claim amendments have been made and no new matter has been introduced.

In the Office Action, claims 7-15, 17, 18, 23, 39 and 44-47 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Negawa (U.S. Patent No. 7,055,030, hereafter “Negawa”) in view of Peterka (U.S. Publication No. 2002/0172368, hereafter “Peterka”).

The Applicants respectfully traverse the above rejection. The Applicants assert that Negawa and Peterka fail to disclose or suggest all the features recited in at least independent claims 44-47. Independent claim 44 recites *inter alia* the following features:

“[a] content usage management system comprising:...

at least one distribution server includes a confirmation unit operable to confirm whether or not the content distributed to said client apparatus is content having a limited number of authorized reproduction times indicated by the usage control data, and a usage control data distribution unit operable to:

(a) distribute the usage control data by a unicast distribution method where the usage control data is distributed in response to a request from said client apparatus, when the number of authorized reproduction times of the content is limited, and

(b) distribute the usage control data to a plurality of client apparatuses including said client apparatus by a multicast distribution method where the usage control data is distributed to said plurality of client apparatuses simultaneously at a predetermined distribution time, when the number of authorized reproduction times of the content is not limited.”

The features noted above in independent claim 44 are similarly recited in independent claims 45-47. Additionally, the features emphasized above in independent claim 44 (and similarly recited in independent claims 45-47) are fully supported by the Applicants’ disclosure (see e.g., Figs. 12a-12d and 14; and pages 25-26).

The present invention (as recited in independent claims 44-47) is clearly distinguishable from the cited prior art in that a confirmation unit or step confirms whether or not the content distributed to a client apparatus is content having a limited number of authorized reproduction times indicated by usage control data, and a usage control data distribution unit or step

distributes the usage control data using two different distribution methods. For example, the usage control data is distributed by a unicast distribution method when the number of authorized reproduction times of the content is limited, and the usage control data is distributed by a multicast distribution method when the number of authorized reproduction times of the content is not limited.

According to the present invention (as recited in independent claims 44-47), distributors of content and a content key can distribute them by switching between two distribution methods according to the attributes of each content. Additionally, when there is a deluge of requests for distributing content keys and content use conditions of the same content, the content keys and content use conditions can be distributed by a multicast method so that the processing load on the servers within a content distribution system is reduced. Further, when copyright protection of content is a priority, the content keys and content use conditions can be distributed by a unicast method so that security regarding copyright protection is enhanced.

In the Office Action, the Examiner relies on the combination of Negawa and Peterka for disclosing or suggesting all the features recited in independent claims 44-47. However, the Applicants disagree with the Examiner's interpretation of Negawa and Peterka.

In the Office Action, the Examiner relies on col. 7, lines 12-21; col. 12, lines 19-23 and col. 14, line 45-col. 5, line 5 of Negawa.

Negawa in col. 7, lines 12-21 discloses a transmitting/reception unit that sends data from a data encryption unit to clients belonging to a multicast group by IP multicasting. Additionally, the transmitting/reception unit sends encrypted group session keys to clients by unicasting. Negawa in col. 12, lines 19-23 discloses a key database that holds a plurality of group session keys and updating keys corresponding to each group session key.

Negawa in col. 14, line 45-col. 5, line 5 discloses a control unit that encrypts the group session key and transmits the group session key by unicasting to a client. Next, a data encryption unit encrypts the distribution data stored in a content database using the group session key and transmits the encrypted distribution data by multicasting. As described in Negawa, if the transmission time of unicasting of the encrypted updating key corresponds to the key updating time of another client, transmission of the encrypted updating key may be effected by multicasting rather than by unicasting.

Independent claim 44 recites the following:

“a usage control data distribution unit operable to:

(a) distribute the usage control data by a unicast distribution method where the usage control data is distributed in response to a request from said client apparatus, when the number of authorized reproduction times of the content is limited, and

(b) distribute the usage control data to a plurality of client apparatuses including said client apparatus by a multicast distribution method where the usage control data is distributed to said plurality of client apparatuses simultaneously at a predetermined distribution time, when the number of authorized reproduction times of the content is not limited.”

These features are similarly recited in independent claims 45-47.

As noted above, the usage control data distribution unit or step of the present invention (as recited respectively in independent claims 44-47) distributes the usage control data using two different distribution methods depending on the number of authorized reproduction times of the content. Thus, with the present invention (as recited in independent claims 44-47), distributors of content and a content key can switch between the two distribution methods. That is, with the present invention (as recited in independent claims 44-47), a content usage management system can use a unicast distribution method when usage control data includes a number of authorized reproduction times, and can use a multicast distribution method in other cases.

Although Negawa (i.e., in col. 7, lines 12-21; col. 12, lines 19-23 and col. 14, line 45-col. 5, line 5) discloses or suggests sending data to clients by multicasting and sending session keys to clients by unicasting, nothing in the reference discloses or suggests distributing usage control data using two different distribution methods (i.e., multicast or unicast) depending on **the number of authorized reproduction times of the content**, as recited in independent claims 44-47.

Moreover, based on a detailed review of Peterka, the reference fails to overcome the deficiencies noted above in Negawa. In the Office Action, the Examiner relies on ¶[0104] and ¶[108] of Peterka.

Peterka in ¶[0104] discloses the distribution of various keys to clients. More specifically, Peterka discloses that keys can be distributed to a client using a unique key (UK) in a unicast fashion. Alternatively, for improved efficiency, multiple EMMs encrypted with different UKs may be combined into a single multicast message.

Peterka in ¶[0108] discloses that a client can act independently of a server in requesting a key. Specifically, a desired key is encrypted with a first program segment key and distributed as part of a first multicast message. Alternatively, the desired key can be distributed as part of a second multicast message. That is, the key is encrypted under a second program segment key and distributed as part of a second multicast message.

Peterka in ¶[0104] and ¶[0108] discloses or suggests that a key can be encrypted with a first program segment key and distributed as part of a first multicast message, or encrypted with a second program segment key and distributed as part of a second multicast message. Similar to Negawa, nothing in Peterka discloses or suggests distributing usage control data using two different distribution methods (i.e., multicast or unicast) **depending on the number of authorized reproduction times of the content**, as recited in independent claims 44-47.

Based on the above discussion, the combination of Negawa and Peterka, at best, discloses distribution methods for keys according to an authorized time duration of the content. However, with the distribution methods disclosed in Negawa and Peterka, there is a possibility that there is a reproduction of content that is more than intended by the content distributor.

To the contrary, with the present invention (as recited in independent claims 44-47), distributors of content and a content key can switch between two distribution methods according to the attribute of each content; for example, a unicast distribution method when usage control data includes a number of authorized reproduction times, and a multicast distribution method in other cases.

Therefore, even if one of ordinary skill in the art were to combine the teachings of Negawa and Peterka, the combination still would not disclose or suggest all the features and advantages of the present invention (as recited in independent claims 44-47). Accordingly, no combination of Negawa and Peterka would result in, or otherwise render obvious, independent claims 44-47. Likewise, no combination of Negawa and Peterka would result in, or otherwise render obvious, claims 7-15, 17, 18, 23 and 39 at least by virtue of their respective dependencies from independent claims 44 and 46.

In light of the above, the Applicants submit that all of the claims pending in the present application are patentable over the prior art of record. Accordingly, the Applicants respectfully request that the Examiner withdraw the rejection in the Office Action, and pass the present

application to issue. The Examiner is invited to contact the undersigned attorney by telephone to resolve any issues remaining in the application.

Respectfully submitted,

Sen'ichi ONODA et al.

/Mark D. Pratt/

By 2010.12.10 12:20:10 -05'00'

Mark D. Pratt

Registration No. 45,794

Attorney for Applicants

MDP/mac
Washington, D.C. 20005-1503
Telephone (202) 721-8200
Facsimile (202) 721-8250
December 10, 2010